FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2392 OF 2006

Sunil Sahadeo Dagade)..Applicant
V/s.
The State of Maharashtra)..Respondent

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.Uday P.Warunjikar for the applicant.

Ms.S.V.Gajare APP for the State.

Coram : R.S.Mohite,J

Date : 31.7.2006.

PC

1. This is an application for grant of bail. The applicant is shown as an accused in C.R.No.13/2006 registered by the Paud police station, Pune, for alleged offences under Sections 302, 307, 143, 147, 148, 149 & 120-B of IPC read with 3, 25, 4 & 5 of the Arms Act. On perusing the affidavit-in-reply filed by the State, it appears that the case involves the murder of one Mahesh Mengde. The present applicant is

applicant no.11. The prosecution case is that accused nos.1, 2, 3, 4, 6 & 8 went to Paud on motor cycle and while deceased was standing near the land record survey office, accused no.1 fired on him from pistol. Accused no.4 fired from his pistol on a witness by name Jitesh Balkawade. These accused persons then ran away. After the incident took place on 8.2.2006 the FIR was filed on 9.2.2006. It appears that 3 persons were arrested while running away in the car at Lonavala and 2 more persons in this car managed to run away. But however, all these 5 persons were named in the FIR. Affidavit of the investigating officer further reveals that subsequent investigation indicated that accused no.9 had hired accused nos.1 to 8 and 10 for murder in a pre-planned manner. As far as present applicant is concerned, there does not appear to be direct

evidence relating to conspiracy. On 21.2.2006 police recorded the statement of one Nilesh Nivase and he claims that one co-accused by name Yogesh had asked him as to when they were going to commit murder of Mahesh Mengde and that he had made arrangement in that regard. All the statements made by these witnesses are said to have been what is narrated to him by some co-accused. There is statement of wife of accused no.7 Shardhha and also statement of Vaishali wife of accused no.9 indicating that present applicant had sent some money. The present applicant had admittedly not directly taken part in the incident. In my view, this is a case where bail can be granted to him on stringent conditions particulary as the investigation is completed and charge-sheet is now filed. It is therefore, directed that pending his trial in pursuance of C.R.No.13/2006 registered by the Paud police

station, Pune, the applicant may be released on bail in the sum of Rs.25,000/- with one surety in the like amount subject to the condition that he will report to the investigating officer of Paud police station once a fortnight on 1st and 3rd Mondays of each month till the disposal of his trial. Application stands disposed off.

(R.S.Mohite,J)